

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 99-260

June 2, 1999

DON CIVITELLA
Appeal of Consumer Assistance Division
Decision #1999-6436 Regarding Central
Maine Power Company

ORDER DENYING APPEAL

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

On April 7, 1999, the Consumer Assistance Division (CAD) rejected a claim of Don Civitella that the CAD should order Central Maine Power Company (CMP) to agree that The Town of Madison, Electric Works Department a/k/a Madison Electric Works (MEW) would be permitted to serve a location owned by Mr. Civitella in Mercer, Maine. Mr. Civitella has appealed the decision of the CAD, i.e., he has requested the Commission to commence an investigation into this matter pursuant to 35-A M.R.S.A. § 1303. We decline to open an investigation.

Mr. Civitella apparently would prefer to obtain service from MEW because MEW has provided an estimate to him for building a line extension that is lower than the estimate provided to him by CMP, which serves the Town of Mercer.

Neither the CAD nor the Commission has the authority to require one utility to "consent" to the provision of service by another utility. In addition, one utility cannot consent to the provision of service by another utility without Commission approval. Utilities possess authority to provide service to designated areas either by statute or by Commission order pursuant to 35-A M.R.S.A. § 2102. Madison Electric Works has statutory authority to provide and does provide service to portions of the towns of Madison, Starks and Anson. It does not have authority to provide service to any portion of the town of Mercer. For the Commission to grant authority for a utility to provide service in a municipality in which another utility has the authority to provide service, the Commission must find that "the public convenience and necessity" require service by another utility. 35-A M.R.S.A. § 2102 and 2105.

Differences in the tariffed prices for line extensions may reflect differences in the distance from existing facilities and in the two utilities' actual construction and other costs, such as federal and state income taxes. (CMP, as an investor-owned utility, is liable for those taxes; MEW, as a publicly owned utility, is not.) Differences in tariffed prices may also reflect differences between the utilities' line extension policies, i.e., the amount that each utility requires extension customers to pay versus the amount that the general body of ratepayers must pay through rates. In this instance the two utilities' line extension policies are similar. Mr. Civitella does have the option of having a non-CMP entity build the line extension, as long as the construction meets CMP specifications.

We do not consider difference in line extension prices or policies as a sufficient basis for allowing a second utility to provide service in a location served by another utility. We also note that although the Legislature has required competition for electric generation, there is no present indication that competition at the retail distribution level is necessary or beneficial.

Dated at Augusta, Maine, this 2nd day of June, 1999.

BY ORDER OF THE COMMISSION

Raymond Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.